

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49923 of 2023

Arising Out of PS. Case No.-31 Year-2023 Thana- DANDKHORA District- Katihar

MD. FATEH @ ISTIYAK SON OF MD. RAHUP R/O JAUNIYAN, PS-
PRANPUR, DIST- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-08-2023

Heard the parties.

The petitioner is in custody in connection with Dandkhora P.S. Case No. 31 of 2023 for the offence under sections 380, 457, 411, 413 and 414/34 of the Indian Penal Code lodged on 07.04.2023 by the informant, Sonika Devi.

As per the prosecution story, the informant heard opening of the door, four persons entering and on 'hulla', they escaped. Later upon search, one mobile phone was found missing. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that vague allegation has been made against the accused persons including the petitioner, for which he has already suffered by being in custody since 08.04.2023 (as stated in paragraph 14 of the petition) only on the ground that he has criminal antecedent.



Learned APP opposes the prayer for bail stating that in the early morning, the accused persons entered house of the informant for the purpose of committing theft and he has criminal antecedent.

Taking into account the allegation that has come against the petitioner, has remained in custody since 08.04.2023, F.I.R. lodged and ultimately will have to face the trial, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Court of C.J.M., Katihar, in connection with Dandkhora P.S. Case No. 31 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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